

Camden County Board of Commissioners**Regular Meeting****January 22, 2008****7:00 P.M.****Historic Courtroom, Courthouse Complex
Camden, North Carolina****MINUTES**

The regular meeting of the Camden County Board of Commissioners was held on Monday, January 22, 2008 at 7:00 p.m. in the Historic Courtroom, Camden, North Carolina. The following members were present:

Chairman Jeffrey B. Jennings

Vice Chairman Philip Faison

Commissioners Melvin J. Jeralds, Sandy Duckwall and Mike Andrews

Also attending was County Manager Randell Woodruff, Clerk to the Board Ava Gurganus and County Attorney John S. Morrison.

Chairman Jeffrey Jennings called the meeting to order and called upon Commissioner Melvin Jeralds to give the invocation and led those present in the Pledge of Allegiance.

Presentation - Jesse Stallings – Practical Computing – Video Taping Update

Jesse Stallings, Practical Computing, stated the \$4,800.00 (dollar for dollar) e-NC grant has been awarded to Camden County for the video taping of the Commissioners meeting, and asked the Board to move forward in purchasing the video equipment and hiring Ken Mann, Coastal Production Company, to assist in launching the videotaping. The estimated ongoing cost without conferring with Mr. Mann, will be approximately \$500.00/per month, which would include setting up and breaking down the equipment after each meeting, producing duplicate video tapes delivered to the County and the Library, and putting the video on the county website.

Commissioner Mike Andrews asked how long before the meetings would be online, to which Mr. Stallings replied, within sixty (60) days after Ken Mann has been commissioned.

Mr. Stallings stated that retail prices were used in applying for the grant and Mr. Mann has offered to use his wholesale discount for purchasing the video equipment, but Mr. Mann will need a commitment from the Board before Mr. Mann will order any equipment.

Presentation - Drew Englund – Wind Power

Drew England stated he was present to make two (2) recommendations to the Board: increase the maximum height for wind turbines without applying for a special use permit to 300'; and, that the County build four (4) to six (6) wind turbines in the Old Trap area to sell the resulting energy to Camden residents to help improve income.

Commissioners Sandy Duckwall, Philip Faison and Mike Andrews complimented Mr. England's on the excellent proposal, hard work, and presentation.

Chairman Jeffrey Jennings thanked Mr. Englund for his presentation.

Public Comments

Chairman Jeffrey Jennings called for any comments from the public.

Hearing no comments, Chairman Jeffrey Jennings continued with the meeting.

Consideration of Agenda

County Manager Randell Woodruff requested *Item. 11. Closed Session, 2. Personnel* be added to the agenda.

Commissioner Mike Andrews made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consent Agenda

Commissioner Sandy Duckwall made a motion to approve the following items on the consent agenda. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

○ **Consent Agenda**

- December 12, 2007 Joint Meeting Minutes with Pasquotank County Commissioners & Jail Commission subject to correction of typographical and technical errors
- January 7, 2008 Regular Meeting Minutes subject to correction of typographical and technical errors
- Tax Collection Report – December 2007 in the amount of \$1,765,845.88
- Refunds to be Issued by the Finance Office in the amount of \$4,154.49
- Budget Amendment – 2007-08-BA009:

CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008.

Section 1. To amend the General Fund as follows:

ACCT NUMBERDESCRIPTION OF ACCT		AMOUNT INCREASE DECREASE
Revenues:	Parks & Recreation Department	
10330612-432510	Participation	\$8,000.00
10330612-434883	Sponsorship	\$2,000.00
Expenses:	Parks & Recreation Department	
106120-559100	Participation	\$8,000.00
106120-559000	Sponsorship	\$2,000.00

This will result in a decrease of \$ 0.00 in the Contingency of the General Fund.

Balance in Contingency \$58,605.00

Revenues & Expenses to be recorded in budget.

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 22nd day of January, 2008.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

○ **End of Consent Agenda**

Old Business - Lease Agreement for Firearms Range

County Attorney John Morrison issued no objections to the firearms range lease with George Wood Farms/James Alfred Harrell and Camden County for the sum of \$1.00 per year, effective January 1, 2008 and will renew yearly unless Sheriff Tony Perry should leave the Sheriff's office.

Commissioner Duckwall made a motion to approve the lease agreement for the firearms range. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Old Business - FY07 North Carolina Single Family Rehabilitation Program (SFR07) Status Report by Chris Hilbert

Chris Hilbert, Holland Consulting, reported the following regarding the \$200,000.00 SFR07 Program for rehabilitation of homes:

- Took applications last spring
- Program for elderly or disabled owner occupied homes only
- Mailed out twenty three (23) applications and received six (6) applications and three (3) were eligible for assistance and recommended for preliminary awards
- The three (3) preliminary units have been written up and bid out and now ready to move forward on two (2) units with rehabilitation awards but need to clear up title issues before they can present to the Commissioners for award.
- The third unit had substantial amounts of lead base paint and is in the process of rebidding the unit.

Chairman Jeffrey Jennings asked when they will bring back the units for approval.

Mr. Hilbert stated one (1) unit will be presented to the Board next month.

Public Hearing - FY2005 Community Development Block Grant Program – Scattered Site Program (CDBG-SSH)

Commissioner Philip Faison made a motion to go into public hearing to receive comments from the public regarding FY2005 Community Development Block Grant Program – Scattered Site Program (CDBG-SSH). The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Chairman Jeffrey Jennings called for any comments from the public.

Hearing no comments, Commissioner Sandy Duckwall made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing – Ordinance No. 2008-01-04 – An Ordinance of Camden County Prohibiting Possession and Consumption of Alcoholic Beverages on County Property

Commissioner Sandy Duckwall motion to go into public hearing to receive comments from the public regarding Ordinance No. 2008-01-04. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Major Jon Worthington asked that pedestrians on a street or right of way be added to the ordinance.

Attorney John Morrison stated that the county has no jurisdiction over streets or highway. However, Camden, as a unified government, is a city and a county and the matter of alcohol consumption on streets and highways could be addressed under a separate ordinance; the Board would announce that they are sitting as a city and pursuant to city law passed by the General Assembly, pass an ordinance to that effect. Mr. Morrison stated he would work with Major Jon Worthington to draft the first city ordinance.

Hearing no further comments, Commissioner Melvin Jeralds made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing – Ordinance No. 2008-01-03 – Rezoning Application - Camden Square & Associates – UDO 2007-10-07

Commissioner Melvin Jeralds made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2008-01-03. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Permit Officer Dave Parks stated that Camden Square & Associates, represented by Ed Hyman, has applied for a major zoning map amendment to rezone property from R3-2 to R3-1, for approximately 104 acres of property located behind the back portion of their existing subdivision and property along Keeter Barn Road.

Ed Hyman, representing Camden Square & Associates, stated that the parcel for rezoning is two (2) parcels which joins the existing Wharf's Landing Subdivision that is currently zoned R3-1. There is a forty (40) acre and sixty (60) acre parcel that comprises the rezoning request, and this is trying to increase an existing zone, not spot zoning, but adding to an existing zone that will maintain the existing characteristics of the adjoining property. A 200' buffer along both sides of the Cypress Run Creek will be left as buffers. The way the sketch plan is designed with the allocated buffers and the property dedicated as open space, the subdivision will still only produce fifty (50) lots, which equates to one (1) lot per two (2) acres. Mr. Hyman stated that the rezoning is needed to recoup the property that is being set aside as Cypress Run drainage area and the agricultural buffers that has to be left out of the properties. The real density will be one (1) lot every two (2) acres. This comes to the Board with recommendation from the Planning Board, who thought it was best to be consistent with the adjoining subdivision that is currently underway.

Commissioner Mike Andrews asked Mr. Hyman if the 200' buffer area would be grass or vegetation area.

Mr. Hyman replied the buffer would be left in a natural state and it is a pine thicket now.

Commissioner Mike Andrews asked how the land perked.

Mr. Hyman stated a site evaluation was taken at a random 10% of the area; failures were found on the south side of Keeter Barn Road. The tract on the north side of Keeter Barn Road is the best land in the county. The report was suitable and there are areas in the tract that directly adjoins Wharf's Landing that were provisionally suitable, which will limit the density. The parcel on the south side will probably not perk.

Commissioner Mike Andrews inquired regarding drainage problems with adjoining property owners.

Mr. Hyman stated that due to Cypress Run Creek, he did not anticipate any problems. The drainage will be planned and designed as preliminary plat approval moves forward.

Permit Officer Dave Parks stated the Camden County Planning Board met on November 28, 2007 and after discussion concerning drainage and floodplain issues, recommended approval as staff recommended rezoning properties from Basic Residential (R3-2) to Basic Residential (R3-1) and that a 200 foot buffer that runs along Cypress Run Creek be rezoned to Conservation. Recommendation is based on the fact that this is an expansion of an adjacent zoning of the same classification and that the range of permitted uses in the requested classification are the same as in the existing zoning classification.

Randy Knolf, 165 Pier Landing Loop, spoke in opposition of Ordinance No. 2008-01-03.

Tommy Johnson, 242 Keeter Barn Road, stated that he lives behind Wharf's Landing and asked that the drainage issues be addressed so that his land does not continue to be flooded.

Ed Hyman addressed the noted concerns.

John Outten, Camden Square Associates, addressed the inconsistencies between the two hundred eight (208) and one hundred sixty four (164) lots.

Commissioner Sandy Duckwall asked Mr. Outten if there was a play area set aside in Phase I, to which Mr. Outten replied, not on the current approved plan; there are three (3) Phases making up existing Wharf's Landing, and the unimproved park site is in the back corner of the subdivision and has not yet been dedicated to the Homeowners Association.

Randy Knolf, 165 Pier Landing Loop, rebutted the comments made by Mr. Hyman and Mr. Outten.

Commissioner Sandy Duckwall made a motion to close public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Meeting – Sketch Plan Approval – *The Reserve at Wharfs Landing* – 164 Lot Major Subdivision – UDO 2007-10-08

Commissioner Philip Faison made a motion to go into public meeting to receive comments from the public regarding Sketch Plan Approval – *The Reserve at Wharfs Landing* – 164 Lot Major Subdivision – UDO 2007-10-08. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Permit Officer Dave Parks stated Camden Square & Associates have applied for a sketch plan approval on a 164 lot major subdivision on property located behind the existing subdivision and off of Keeter Barn Road. The application went to the Planning Board on December 19, 2007 and after discussion, the Planning Board recommended approval of the sketch plan.

Ed Hyman, representing Camden Square & Associates, stated a concept sketch is before the Board to build out Wharf's Landing. If approval is given, the concept sketch will be turned in a real working drawing with all the impacts to the community addressed and then come back with preliminary plat to discuss the final design. Mr. Hyman explained how the project would impact the county and the future.

Robert Swinski, 138 Dock Landing Loop, asked why the sidewalks could not be constructed to make the community look as one instead of two different sections.

Donna Swinski, 138 Dock Landing Loop, asked that the Board look at the condition of the existing streets before you allow future development.

James Khuns, 101 Dock Landing Loop, agreed with Donna Swinski.

Louise Knolf, 165 Pier Landing Loop, spoke regarding street safety and sidewalks.

John Outten, Camden Square Associates, addressed the issue regarding the streets and entrance into the subdivision.

Donna Swinski, 138 Dock Landing Loop, asked how long before Phase III gets new streets and expressed concerns regarding the condition and improving of the streets.

Randy Knolf, 165 Pier Landing Loop, stated the concern and frustration is due to lack of communication with the developer. Mr. Knolf suggested ingress off of Culpepper Road.

Commissioner Mike Andrews stated that the tie in with the sidewalks to the commercial district and the lack of no commercial development.

Commissioner Mike Andrews asked Mr. Hyman if he could possibly design another construction entrance, to which Mr. Hyman replied that there was no property available for a construction entrance.

Hearing no further comments, Commissioner Sandy Duckwall made a motion to close public meeting. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Meeting – Sketch Plan Approval – *The Lakes at Shiloh* – 23 Lot Major Subdivision – UDO 2007-10-09

Commissioner Philip Faison made a motion to go into public meeting to receive comments from the public regarding Sketch Plan Approval – *The Lakes at Shiloh* – 23 Lot Major Subdivision – UDO 2007-10-09. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Permit Officer Dave Parks stated Richard Browner has applied for a twenty three (23) lot major subdivision on property located off Sandy Hook Road, Shiloh. The application went to the Planning Board on December 19, 2007 and the Planning Board recommended approval on a 5-0 vote.

Richard Browner, 131 Dances Bay Road, presented a packet for the Board to review and stated the property has no drainage or septic system issues. Mr. Browner reviewed the conceptual site layout and landscape plan.

Commissioner Philip Faison asked Mr. Browner if the project would be completed in one phase, to which Mr. Browner replied, yes.

Hearing no further comments, Commissioner Mike Andrews made a motion to go out of public meeting. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing – Ordinance No. 2008-01-01 – Proposed Amendments to Chapter 151 (UDO) of the Camden County Code of Ordinances

Commissioner Mike Andrews made a motion to go into public meeting to receive comments from the public regarding Ordinance No. 2008-01-01. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Planning Director Dan Porter reviewed Ordinance No. 2008-01-01 and the amendments to the Table of Permissible Uses.

Based on conversation and request of the Chairman and County Manager, the Planning staff has prepared and the Planning Board has reviewed and recommended the proposed amendments to the Table of Permissible Uses. The objective of the majority of changes is to reduce the time, cost, and red tape for small businesses to locate in Camden County, and to increase potential allowable locations.

The primary means to accomplish the objective is to replace the Special Use Permit requirement with a simple Zoning Permit, which is processed administratively. The Zoning Permit process still allows the administrator limited authority to place appropriate conditions on the approval, and the option of sending the application to the Board of Commissioners where uses may have adverse or unknown impacts on the community.

Planning Board met on December 19, 2007 and recommended approval on a 6-0 vote.

The Board asked for brief explanations of the following specific use categories:

- 1.200 – Two Family Homes
- 1.300 – Multifamily Homes
- 1.430 – Child Care Homes
- 6.210 – Privately owned outdoor recreation facilities

- 14.100 – Agricultural operations, farming (not exempt as bona-fide farms)

Following discussion, Planning Director Dan Porter suggested leaving uses as is for Categories 14.110 and 14.120.

Hearing no comments from the public, Commissioner Mike Andrews made a motion to close public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing – Ordinance No. 2008-01-02 – Proposed Amendments to Chapter 151 (UDO) of the Camden County Code of Ordinances

Commissioner Sandy Duckwall made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2008-01-02. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Planning Director Dan Porter stated that the Planned Unit Development (PUD) section of the UDO has been totally rewritten.

The proposed amendment to the Unified Development ordinance replaces in its entirety the sections prescribing the methods and requirements for approval of Planned Unit Developments. The proposal establishes clearer procedures and requirements that will provide the Planning Board and Board of Commissioners better and more detailed information about proposed PUD projects at an earlier stage in the approval process, while providing developers flexibility to design projects with creative solutions to the environmental and infrastructure challenges of our county.

The proposed ordinance is a result of considerable research and review including: 1) review of other county ordinances (Chatham, Moore, Johnston, Southern Pines, Pasquotank, Chowan, and others); 2) input from attorneys representing Camden Plantation; 3) review of publications from the School of Government (SOG); 3) participation in a PUD workshop sponsored by the NCAPA chapter; 4) considerable research and review by Camden County attorney, Courtney Hull; and 5) direct conversations with professors from the SOG, including review and comments on interim drafts of the ordinance.

The following excerpts summarize the purpose and process.

The Planned Unit Development (“PUD”) district is a conditional use zoning district that allows multiple uses which make efficient use of land and other natural resources, subject to controls and restrictions establishing satisfactory buffering, landscaping, open space, traffic control, density, parking and any other conditions established or imposed by the Camden County Board of Commissioners. PUD districts are intended to provide the Board of Commissioners flexibility in planning land uses. § 151.298 sets forth the mandatory standards for all PUD conditional use districts and PUD Master Plan. The applicant may propose, or the Board of Commissioners may add to or modify, subject to the applicant’s consent, any or all of these standards as it deems to be consistent with the principles set forth herein.

PUD Approval Process Under the Camden County Unified Development Ordinance. PUDs shall be approved for development through a three-step process under the Camden County Unified Development Ordinance and the three steps may be combined if desired by an applicant. The first step of the process is rezoning the proposed PUD to the PUD conditional use zoning district. This process is addressed in subsection (B) of this section. The second step of the process is approval of a Master Plan and Conditional Use Permit for a PUD. This process is addressed in subsection (C) of this section. The third step of the process is approval and recording of a final plat of the PUD (which may be done in multiple phases). This process is addressed in § 151.298(C) (4-8). Until the first two steps have been completed with respect to any portion of a PUD, no construction of that portion of the PUD may begin.

The Planning Board meet on December 19, 2007 and recommended approval on 6 – 0 vote.

Attorney John Morrison stated this is a very desirable piece of legislation. However, Camden is faced with growth pressure. A PUD gives the county more flexibility and also gives a blend of commercial property with residential property. A PUD becomes the UDO for that piece of land. The developer loses control in a PUD the minute that it is approved. The development is never cast in concrete. PUDs have a tendency to be high end development and come closer to be self sustaining. This PUD ordinance is a universal design for the procedures and overall standards of any proposed PUD.

Following discussion, Commissioner Mike Andrews made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing – Ordinance No. 2008-01-05 – Proposed Amendments to Chapter 151 (UDO) and Chapter 153 (APFO) of the Camden County Code of Ordinances

Commissioner Philip Faison made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2008-01-05. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Permit Officer Dave Parks stated Ordinance No. 2008-01-05 considers adding exemptions to Article 151.230 and 151.600 of the Unified Development Ordinance and Article 153.04 of the Adequate Public Facilities Ordinance to include Grandparents to Grandchildren and Grandchildren to Grandparents. Planning Board met on January 16, 2008 and after a lengthy discussion recommended approval on a 6-0 vote. Mr. Parks suggested restrictions to prevent housing sprawl and further stated that if the amendments to the ordinances were adopted, what would preclude someone like himself in buying a ten (10) acre parcel and gifting each of his children and grandchildren a lot. In doing so, he would have created a major subdivision without any infrastructure and without addressing the APFO.

Dawn Johnson, 244 Keeter Barn Road, request the addition of sibling to sibling to the Ordinance No. 2008-01-05.

County Attorney John Morrison stated that if the Board amends Chapter 151 and Chapter 153, the Board needs to make a findings of facts specifically as to why the Board is amending the ordinance and why the county has a compelling interest in doing this.

Commissioner Sandy Duckwall stated that the two (2) issues that needed to be addressed were the preamble and how long the property had to be owned before the property can be gifted.

Commissioner Philip Faison stated he agreed with Commissioner Sandy Duckwall.

Thomas Smithson, Lilly Road, spoke for favor of sibling to sibling amendment.

Tommy Johnson, 242 Keeter Barn Road, spoke in favor of sibling to sibling amendment.

Rosa Ann Johnson, spoke in favor of sibling to sibling amendment.

Hearing no further comments, Commissioner Sandy Duckwall made a motion to close public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

AMENDMENTS TO AGENDA

Chairman Jeffrey Jennings amended the agenda with the following additions: *Consideration of FY2005 Community Development Block Grant Program; Consideration of Ordinance No. 2008-01-04 Consideration of Sketch Plan Approval – The Lakes at Shiloh – UDO 2007-10-09; and, delete Item 6. New Business, B. Cuthrell Property.* Chairman Jeffrey Jennings laid the following items over until February 18, 2008 at 7:00 p.m.: *Ordinance No. 2008-01-04; Sketch Plan*

Approval – The Reserve at Wharf’s Landing; Ordinance No. 2008-01-01; Ordinance No. 2008-01-02; and, Chairman Jeffrey Jennings directed the Planning Staff to work with Attorneys Morrison and Hull regarding Ordinance No. 2008-01-05 in lieu of the comments made during the public hearing.

Commissioner Melvin Jeralds made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consideration of FY2005 Community Development Block Grant Program – Scattered Site Program (CDBG-SSH)

Commissioner Mike Andrews made a motion to approve the FY2005 CDBG-SSH Program as presented. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consideration of Ordinance No. 2008-01-04 – An Ordinance of Camden County Prohibiting Possession and Consumption of Alcoholic Beverages on County Property

Commissioner Mike Andrews made a motion to approve Ordinance No. 2008-01-04. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

CAMDEN COUNTY, NORTH CAROLINA

ORDINANCE NO. 2008-01-04

AN ORDINANCE OF CAMDEN COUNTY
PROHIBITING POSSESSION AND CONSUMPTION
OF ALCOHOLIC BEVERAGES ON COUNTY PROPERTY

WHEREAS, pursuant to N.C.G.S. § 153A-121, Camden County may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county, and may define and abate nuisances; and

WHEREAS, pursuant to N.C.G.S. § 153A-169, the Camden County Board of Commissioners may issue orders and adopt by ordinance or resolution regulations concerning the use of any county property; and

WHEREAS, pursuant to N.C.G.S. § 18B-300(c), Camden County may by ordinance regulate or prohibit the consumption of malt beverages and unfortified wine, and the possession of open containers or malt beverages and unfortified wine, on public streets and on property owned, occupied, or controlled by the County; and

WHEREAS, pursuant to N.C.G.S. § 18B-102(a) and 18B-301(f), it is unlawful for any person to possess or consume any fortified wine, spirituous liquor, or mixed beverages upon any premises where the person has been forbidden to possess or consume such beverages by the owner or other person in charge of the premises; and

WHEREAS, the Camden County Board of Commissioners desires to prohibit the possession and consumption of alcoholic beverages on County owned property.

NOW, THEREFORE, BE IT ORDAINED by the Camden County Board of Commissioners as follows:

Section 1. Definitions.

In accordance with N.C.G.S. § 18B-101 and 18B-300, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance.

1.
- Fortified Wine** – Any wine made by fermentation from grapes, fruits, berries, rice, or honey, to which nothing has been added other than pure brandy made from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine, and which is an alcoholic content of not more than twenty-four percent (24%) alcohol by volume.
2.
- Malt Beverage** – Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent (0.5%), and not more than six percent (6%), alcohol by volume.
3.
- Mixed Beverage** – Either of the following: (i) a drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package; or (ii) a premixed cocktail served from a closed package containing only one serving.
4.
- Open Container** – A container on which the seal has been broken or a container other than the manufacturer’s unopened original container.
5.
- County Property** – Any real property owned or operated by Camden County.
6.
- Spirituous Liquor** – Distilled spirits or ethyl alcohol, including spirits of wine, whisky, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers for beverage use regardless of their dilution.

7. **Unfortified Wine** – Wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar.

Section 2. Proscribed Conduct.

1. It shall be unlawful for anyone to consume or to possess malt beverages, unfortified wine, fortified wine, spirituous liquor, or mixed beverages on County property.

Section 3. Penalties.

1. Pursuant to N.C.G.S. § 14-4, violations of provisions of this Ordinance shall constitute a Class 3 misdemeanor, punishable by a fine up to two hundred dollars (\$200) and/or a maximum of twenty (20) days in prison.
2. Alcoholic beverages possessed in violation of this Ordinance shall be subject to seizure by law enforcement officers and forfeiture, pursuant to N.C.G.S. § 18B-504.

Section 1.01

Section 4. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Statutory Amendment.

References herein to particular sections or chapters of the General Statutes of North Carolina or to specific legislative acts are intended to be references to such section, chapters or acts as they may have been amended and as they may be amended from time to time by the General Assembly of North Carolina, or any successor statute. Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 5. Effective Date.

This ordinance shall become effective upon adoption.

Adopted by the Board of Commissioners for the County of Camden this 22nd day of January, 2008

County of Camden

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava Gurganus
Clerk to the Board

Consideration of Sketch Plan Approval – The Lakes at Shiloh – 23 Lot Major Subdivision – UDO 2007-10-09

Commissioner Sandy Duckwall made a motion to approve the Sketch Plan Approval for The Lakes at Shiloh. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - NCDOT Memorandum of Understanding

Commissioner Philip Faison made a motion to approve the NCDOT Memorandum of Understanding for the emergency removal of debris during a State of Disaster or Imminent Threat of Disaster. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Revised Fee Schedule

Based on discussion at the January 7 Board of Commission meeting regarding Stormwater Fees, the Permit fee schedule has been revised to: 1) define the fee as a “fee/deposit”; and 2) to include the footnote regarding refund of unused deposit, and replenishment of escrow when deposit drops below \$1000.

Additionally, two new fees (\$25) are established for issuing “zoning” permits, and for “commercial site plan reviews”. Zoning permits are administrative approvals related to compliance with zoning, flood regulations, setbacks, minimum lot size and frontage. They are required for any new construction, additions, garages, pools, outbuildings, signs, and new business licensing. The fee is waived for residential projects requiring building permit fees.

Many commercial site plans require special use permits (SUP) and are subject to SUP fee and complete review and approval through the Planning Board and Board of Commissioners. However some commercial uses do not require SUP but still must be reviewed for compliance with several additional sections of the UDO related to parking, landscaping, buffers, access, and others. These uses are subject only to a zoning permit after review of the site plan. If the Board of Commissioners chooses to change the requirements for some commercial businesses from SUP to Zoning permit, the permitting process will be more business friendly but will still require the same amount of staff review as if processing a SUP.

Following discussion, Chairman Jeffrey Jennings proposed changing the wording “Soil and Water Conservation” to “approval of the County Soil Engineer” and change the Stormwater Review Fees/Deposit for Minor Subdivision (5 acres/lots or less) be changed to \$500.00 per lot.

Commissioner Melvin Jeralds made a motion to approve the Building Inspections and Planning Department Permit Fee Schedule with the proposed change of *Stormwater Review Fees/Deposit – Minor Subdivision (5 acres/Lots or less)* to \$500.00 per lot. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

CAMDEN COUNTY

BUILDING INSPECTIONS AND PLANNING DEPARTMENT

PERMIT FEE SCHEDULE

RESIDENTIAL, MODULAR AND COMMERCIAL CONSTRUCTION UP TO 20,000 SQ. FT.	
Minimum Fee	\$100.00
State Fee	\$ 10.00
Up to 20,000 sq. ft.	\$.25/sq. ft.
Each sq. ft. over 20,000 sq. ft.	\$.15/sq. ft.
Article II. ELECTRICAL	
Minimum Fee	\$75.00
Over 500 sq. ft.	\$.15/sq. ft.
Service Repair	\$75.00
Temporary Service	\$75.00
Service Change	\$75.00
Mfg. Home Service	\$75.00
PLUMBING	\$75.00
Article III. MECHANICAL	
Minimum Fee	\$100.00
Additional Units	\$ 25.00
INSULATION	\$ 75.00
NATURAL GAS HOOK-UP TO COMMERCIAL AND RESIDENTIAL STRUCTURES EXISTING PRIOR TO APRIL 7, 2003	
Fee per inspection	\$35.00
Article IV. MANUFACTURED HOMES	
Singlewide	\$250.00
Doublewide	\$350.00
Triplewide	\$400.00
Article V. ADDITIONS – Including service systems	
Up to 400 sq. ft.	\$150.00
Over 400 sq. ft.	\$.37/sq. ft.
Article VI. SWIMMING POOLS	
In Ground	\$150.00
Above Ground	\$75.00
SINGLE FAMILY DWELLING, DETACHED GARAGES, STORAGE BUILDINGS AND UTILITY BUILDINGS – These prices include service systems	
Minimum Fee	\$75.00
Perm. Foot	\$75.00
Over 400 sq. ft.	\$.18/sq. ft.
SINGLE UTILITY INSPECTION	\$50.00
Article VII.	
Article VIII. SIGNS	
16 square feet or less	No Charge
17 square feet through 32 square feet on 1 side	\$50.00
Signs in excess of 32 square feet of surface area on 1 side	\$100.00

Additional fee for electrical inspection if required	\$50.00
DEMOLITION Fire, Safety & EPA Regs \$75.00	
This charge is for pre-inspection for safety and hazardous materials and referral to proper channels if found.	

ALTERATIONS, REPAIRS & IMPROVEMENTS	
Up to \$5000 gross retail price	\$75.00
Over \$5000	50 % of additions fees
Alterations include work within existing structures and upgrading existing service and do NOT include Additions, New Construction, Providing Power to structures not previously having power or New Service to existing buildings.	
RENOVATION FEES – ½ New Construction Fees	
Farm buildings are exempt unless any electrical installation is done.	
-or- any portion of the building is used for sleeping quarters -or- the building is used for business rather than for the personal use of the farmer and his immediate family	
Article IX. MOVING OF ANY BUILDING WITHIN OR INTO THE COUNTY	
Minimum new construct fees	

COMMERCIAL PERMIT PRICES (extras)

MECHANICAL:

Walk-in cooler: Commercial Cooking Hood \$40.00 each
HVAC Fire damper/smoke damper: \$5.00 each

ELECTRICAL:

Electric duct heater: \$10.00 each
Temporary Service with trailer: \$100.00 each
0-100 Each Receptacle/Switch/fixture: \$75.00
Each additional opening: \$0.10
Subpanel, transformer, generator: \$20.00 each
Fuel dispensers, “freestanding” parking lot light poles, manufactured home pedestals: \$5.00 each
Exhaust fans/ water heater/RAC/ spa/ motors and machinery not specified: \$5.00 each

PLUMBING:

Minimum permit fee: \$75.00
Per fixture, trap or similar devices: \$5.00
Per sprinkler head: \$5.00

GAS:

Minimum permit: \$75.00
Per outlet: \$5.00

- All fees must be paid in full at time of application.
- No application will be reviewed until full payments are made.

Land Use Development Fees

Zoning Permit	<u>\$ 25.00</u>
Conditional Use Permit	\$250.00
Special Use Permit	\$400.00
Temporary Use Permit	\$250.00
Variance	\$250.00

Rezoning Fee	
Under three acres	\$200.00
Three acres to six acres	\$300.00
Over six acres	\$300.00 plus \$15 per acre or fraction thereof
Section 9.01	
Section 9.02	Interpretation Challenge/Appeal \$150.00*
Section 9.03	
Section 9.04 Subdivision Fee	
Major Subdivision	
Sketch Plan Level	\$150.00 per lot
Preliminary Plan Level	\$200.00 per lot
Final Plan Level	\$50.00 per lot**
Minor Subdivision	\$200.00 per lot**
Private Access Subdivision	\$200.00 per lot**

Planned Unit Development	
Sketch Plan Level	\$150.00
Preliminary Plan Level	\$200.00
Final Plan Level	\$ 50.00

Commercial Site Plan Review	\$ 25.00
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Stormwater Review Fees/Deposit

Minor Subdivision (5 acres/ Lots or less)	\$ 500 (per lot)
Major Subdivision (more than 5 acres)	\$6,000***
Minor Site Plan Review (3 acres or less)	\$3,700
Major Site Plan Review (more than 3 acres)	\$5,400***
Certificate of Adequate Public Schools (CAPS)	\$25.00
Sign Deposit Fee	\$50.00

*Subject to refund in the case of a successful appeal if so ordered by the Board of Adjustment.

**A fifteen dollar (\$15) credit will be granted if the final plat is submitted both on Mylar in accordance with the Unified Development Ordinance and on diskette, in a format compatible with the County's Geographic Information System (GIS) software.

***The County stormwater review deposit/fee will be set up as an escrow wherein the applicant recovers any deposits in excess of actual costs incurred, or replenishes the escrow if costs drop below \$1000 prior to project approval.

A permit refund will be given if a permit is withdrawn prior to commencement of the approval process (staff review for Zoning Permits and building permits; Board* agenda for all other items). No refund shall be given after any portion of the approval process has begun (e.g., permit issued or item placed on Board agenda.)

*** - Board of Adjustments, Planning Board, or Board of Commissioners**

County Manager's Report

- **Reviewed Budget Schedule**
- **Retreat February 21 at MOA**
- **Chamber of Commerce Banquet**
- **March 26 Kitty Hawk from UNC IOG**
- **Retirement Dinner for Duane Hinson**
- **Confirmation that on list for OLF; 30 month project**

Other Matters

Chairman Jeffrey Jennings directed Attorney John Morrison to work on the city ordinance regarding alcohol consumption on streets and highways.

Closed Session

Commissioner Philip Faison made a motion to go into closed session pursuant to G.S. 143-318.11(a)(6) for the purpose of discussing personnel. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 10:38 p.m.

Commissioner Philip Faison made a motion to go out of closed session and back into regular session. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioner re-entered regular session at 10:42 p.m.

Adjournment

Commissioner Melvin Jeralds made a motion to adjourn the regular meeting. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 10:42 p.m.

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava Gurganus
Clerk to the Board